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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Osami Ushigusa

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STAAS & HALSEY LLP

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WASHINGTON, DC 20005

EXAMINER

NAWAZ, ASAD M

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,680

Applicant(s)

USHIGUSA, OSAMI

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the arguments filed on 4/10/05. Claim 1 was amended. Claims 22-24 have been newly added. Claim 21 has been canceled. No other claims were added or canceled. Accordingly, claims 1-20 and 22-24 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US PG PUB 2002/0026349 A1), hereinafter referred to as Reilly further in view of Theimer et al (US Patent No. 5,493,692).

As to claim 1, Reilly teaches an information distribution apparatus for mediating distribution of information received from a sending apparatus of a sender and distributed to a receiving apparatus of a receiver, comprising: a sending/receiving control part for conducting communication via a network with the sending apparatus and the receiving apparatus; (Abstract; 0033, 0097-0101)

a distribution rank storage part for storing a distribution rank selected in advance by the receiver with respect to distribution information from the sender, among

distribution ranks defining distribution conditions containing designation of a summarization degree of distribution information in a plurality of levels; (Abstract; 0015, 0017, 0031-0035 [Although the claim recites “a distribution rank selected in advance”, it does not mention what it is selected in advance of.]])

a distribution information storage part for storing an original of distribution information received from the sending apparatus; (Abstract, 0015, 0035, 0069, 0091-0093)

and a summarization processing part for, when receiving a request for distribution of stored distribution information received from the sending apparatus through the sending/receiving control part, obtaining from the distribution rank storage part a distribution rank previously selected by the receiver of the stored distribution information and selected based on its correspondence to the sender of the distribution information from the sender, and conducting summarization processing of the distribution information stored in the distribution information storage part in accordance with designation of a summarization degree corresponding to the obtained distribution rank, wherein the distribution information in accordance with the distribution rank is distributed from the sending/receiving control part to the receiving apparatus. (Abstract; 0015, 0017, 0031-0035, 0051, 0054, 0069)

However, Reilly does not explicitly indicate that the rank is selected in advance by the receiver before receiving distribution information from the sender. Theimer et al

teaches the selection of a rank based upon a pre-existing user-defined profile that is set up prior to receiving information from the sender (see abstract; col 4, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Theimer et al into those of Reilly to make the system automated. By allowing the user to create a profile by which all incoming messages would be judged by, as opposed to the method taught by Reilly, one would not have to specify similar information on a continuous basis.

As to claim 2, Reilly teaches an information distribution apparatus according to claim 1, wherein the distribution conditions further include designation of a distribution time. (0059, 0065)

As to claim 3, Reilly teaches an information distribution apparatus according to claim 1, comprising a retransmission processing part receiving a request for transmission of an original of distribution information from a receiver of distribution information subjected to the summarization processing, extracting an original stored in the distribution information storage part, and distributing the original to the receiving apparatus through the sending/receiving control part. (Abstract, 0091-0093)

As to claim 4, Reilly teaches an information distribution apparatus according to claim 1, comprising a rank information passing part for totalizing distribution ranks stored in the distribution rank storage part, and sending the totalized result to the sending apparatus through the sending/receiving control part. (Abstract, 0017, 0041, 0055-0066, 0070, 0101)

As to claim 5, an information distribution apparatus according to claim 1, comprising an image information generating part adding screen definition information of a rank setting screen for allowing a receiver to input the distribution rank by selection, or access information to the rank setting screen to each distribution information; and a distribution rank updating part updating contents stored in the distribution rank storage part, based on a selection result which a receiver inputs by selection on the rank setting screen. (Abstract, 0017, 0035, 0051-0052, 0055, 0066, 0070, 0071)

As to claim 6, Reilly teaches an information distribution apparatus according to claim 5, wherein the rank setting screen includes a questionnaire column in addition to a selection column of the distribution rank, the information distribution apparatus comprising: a questionnaire result storage part storing answer data to the questionnaire column; a questionnaire record updating part receiving answer data to the questionnaire column from the receiving apparatus through the sending/receiving control part, and updating contents stored in the questionnaire result storage part; and a questionnaire information passing part totalizing questionnaire results stored in the questionnaire result storage part, and sending the totalized result to the sending apparatus through the sending/receiving control part. (Abstract, 0017, 0033-0035, 0041, 0047, 0060, 0062, 0071)

As to claim 7, Reilly teaches an information distribution apparatus according to claim 6, comprising a menu storage part storing predetermined questionnaire contents and questionnaire contents provided by each sender, wherein questionnaire contents to be displayed in the questionnaire column on the rank setting screen are selected by

each sender from questionnaire contents stored in the menu storage part. (Abstract, 0017, 0071, 0071, 0072)

As to claim 8, Reilly teaches an information distribution apparatus according to claim 1, wherein the distribution rank storage part includes a region for storing a distribution rank selected by each receiver on a sender basis or on the basis of the kind of information distributed from each sender. (Abstract, 0071, 0072)

As to claim 9, Reilly teaches an information distribution apparatus according to claim 1, wherein summarization processing of distribution information by the summarization processing part is either one of the following processing selected by each sender: processing of conducting summarization based on a predetermined rule and processing of outputting an abstract previously provided together with the distribution information in accordance with each distribution rank from the sender as a summarized result. (Abstract, 0051, 0052, 0059, 0069)

As to claim 10, Reilly teaches an information distribution apparatus according to claim 1, comprising a standard rank determining part determining an initial distribution rank based on evaluation by a plurality of receivers. (0105)

Claim 11 is rejected for essentially being the method for the apparatus described in claim 1.

Claim 12 is rejected for essentially being the method for the system described in claim 3.

Claim 13 is rejected for essentially being the method for the system described in claim 4.

Claim 14 is rejected for essentially being the method for the system described in claim 5.

Claim 15 is rejected for essentially being the method for the system described in claim 6.

Claim 16 is rejected for essentially being the method for the system described in claim 7.

Claim 17 is rejected for essentially being the method for the system described in claim 8.

Claim 18 is rejected for essentially being the method for the system described in claim 9.

Claim 19 is rejected for essentially being the method for the system described in claim 10.

Claim 20 is rejected for essentially being the computer program product for the apparatus described in claim 1.

As to claim 22, Reilly teaches the information distribution apparatus according to claim 1, wherein the distribution conditions include a summarization degree selected from summarization degrees of the distribution information in the plurality of levels and

designation of a distribution time of the distribution information (0015, 0017, 0031-0035).

Claim 23 is rejected for essentially being the method for the system described in claim 22.

Claim 24 is rejected for essentially being the computer program product for the system described in claim 22.

Response to Arguments

4. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues in substance that Theimer et al does not teach or suggest selecting a distribution rank in advance by the receiver before receiving distribution information from the sender.

In response, Reilly et al is the primary reference but is deficient in that all content is received and then the content is filtered so that it corresponds to the profile. Thus the receiver does not select the rank in advance. Theimer was introduced to teach this limitation. Theimer teaches content intended for a specific user is first given a privacy level. It is further given contextual attributes for its delivery. Furthermore, contextual attributes for the user is determined including attributes such as display devices that are closest to the user, delivery times, notifications, etc. Thus, all of the selection of ranks, privacy levels, attributes, delivery times are done prior to receiving distribution information from the sender. Therefore Reilly in view of Theimer still meet the scope of the limitations as currently claimed.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Philip Tran
PRIMARY EXAMINER